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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,577	06/09/2000	Charles A. Eldering	T702-03	2970
27832 7590 04/17/2007 TECHNOLOGY, PATENTS AND LICENSING, INC./PRIME 2003 SOUTH EASTON RD SUITE 208 DOYLESTOWN, PA 18901			EXAMINER RETTE, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/591,577	Applicant(s) ELDERING ET AL.	
	Examiner Yehdega Retta	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 133-139 is/are pending in the application.
- 4a) Of the above claim(s) 140-151 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 133-139 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's election without traverse of Group I, claims 133-139 in the reply filed on February 9, 2007 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 133-139 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification teaches creating different types of profiles and matching advertisements to demographic subscribers using the correlation process. The specification also teaches obtaining specific demographic information including household, income, size and age distribution and grouping or clustering consumers with similar characteristics. The specification further discloses advertisers wishing to send advertisements to a subscriber during an ad opportunity transmit an ad characteristic vector, which describe the target market by demographic information or by preference information and upon receiving the ad characterization vector correlating the ad characterization vector with the consumer characterization vector. The specification however does not disclose *retrieving heuristics rules, wherein said heuristic rules have been pre-defined prior to accessing said plurality of consumer records transaction records; retrieving at least one target market characteristics that has been*

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selected at the discretion of an advertiser; applying said pre-defined heuristic rules to said plurality of consumer transaction records and demographic information records to determine inferred market characteristics of the consumer and determining applicability of an advertisement to at least one of the consumers by correlating the inferred market characteristics obtained by the application of the pre-defined heuristic rules with the target market characteristics selected by the advertiser. The specification also does not disclose *the consumer having more than one market characteristic.*

Claims 135-139 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 135-139 recite “the method of claim 0”. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 133-139 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hendricks et al. (US 6,463,585).

Regarding claims 133 and 134, Hendricks teach accessing a plurality of consumer transaction records corresponding to a plurality of consumers and demographic information records corresponding to at least some of the plurality of consumers (see col. 4 lines 12-17, col.

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54-67, col. 5 lines 1-19, col. 11 lines 31-40, col. 20 lines 4-27, col. 26 line 48 to col. 27 line 6); retrieving heuristics rules, wherein said heuristic rules have been pre-defined prior to accessing said plurality of consumer records transaction records (see col. 20 lines 35-48); retrieving at least one target market characteristics that has been selected at the discretion of an advertiser (see col. 295-44, col. 30 lines 22-64, col. 31 lines 28-55); applying said pre-defined heuristic rules to said plurality of consumer transaction records and demographic information records to determine inferred market characteristics of the consumer and determining applicability of an advertisement to at least one of the consumers by correlating the inferred market characteristics obtained by the application of the pre-defined heuristic rules with the target market characteristics selected by the advertiser (see col. 35 lines 1-15, col. 44 lines 7-23, col. 66 line 27 to col. 67 line 4, col. 67 lines 53-62).

Regarding claims 135-139, Hendricks teaches wherein the plurality of transaction includes purchase transactions (see col. 20 lines 20-34; wherein the demographic information is stored in a private consumer demographic database; the demographic information includes demographic location (see col. 5 lines 7-14, col. 29 lines 6-32); the demographic information stored in private database (see col. 11 lines 31-40, col. 29 lines 6-32, col. 44 lines 7-23); wherein the set of consumers are identified anonymously (see col. 44 lines 7-67).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RETTA YEHDEGA
PRIMARY EXAMINER